



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 25.4-DOE

Subject: Disciplinary Punishment Guidelines For Youth in Youth Development Centers

Supersedes: DYD 14.4

Local policy: Yes

Local procedures: No

Requires training: No

Approved by:

Effective date: 07/01/1990

Authority:

TCA 37-5-106

ACA Standard:

2-9281, 2-9292,
2-9295, 2-9312

- I. APPLICATION: To all employees and youth at Youth Development Centers.
- II. POLICY: Punishment/sanctions imposed upon youth as a result of having allegations of major violations substantiated by the Hearing Officer/Discipline Committee shall be in relation to the seriousness of the offense and relatively uniform in application throughout the system.
- III. PROCEDURES:
- A. Behavior not Subject to Disciplinary Action
- No youth shall be subject to any type of disciplinary action for the following behaviors:
1. Refusing to attend any form of religious service;
 2. Refusing to consume any particular type of food or drink;
 3. Refusing to take medications or accept medical care;
 4. Any behavior which is identified by classification or the treatment team as a special medical or psychological problem over which the youth has no control;
 5. Refusing to address staff in a particular manner or merely displaying what might otherwise be perceived as a negative or hostile attitude. This does

not preclude the discipline of youth who use obscene language in addressing staff or who verbally interfere with staff members' performance of duties. This does not preclude the instruction of good manners.

B. Impermissible Sanctions

The following actions will never be used as a means of youth discipline or punishment:

1. Corporal punishment;
 2. Physical restraint;
 3. Psychological intimidation and/or degradation;
 4. Denial of regular meals;
 5. Denial of medical care;
 6. Denial of sufficient sleep;
 7. Denial of correspondence/minimum use of telephone;
 8. Denial of sufficient daily exercise;
 9. Denial of visitation;
 10. Denial of contact with parents/legal guardians;
 11. Denial of participation in educational opportunities;
 12. Denial of legal assistance;
 13. Arduous physical labor that has no useful function other than punishment or that is required to be performed in an unreasonable manner. It is permissible to require chores or, tasks that might ordinarily be performed by youth or staff members;
 14. Use of stimulants, tranquilizers, or psychotropic drugs for control of behavior.
- C. The Hearing Officer/Discipline Committee may make recommendations to a youth's program staffing team whether or not sanctions are imposed.
- D. The following sanctions may be imposed by the Hearing Officer/Discipline Committee:
1. Temporary Confinement: The youth may be placed in a secure environment separate from the regular population/program, subject to the conditions and limitations set out herein and in Use of Confinement Policy.

2. Learning Experience: The youth may be given assignments, usually in written form, to practice skills, define terms, explore topics and the like.
 3. Restitution: Restitution may be imposed to be paid from the youth's account or earnings, excluding Social Security and supplemental income/benefits, to compensate for such damages or losses.
 4. Restriction/Reduction of Privileges: Privileges may be withdrawn or reduced for a definite period of time, such as passes, freedom of unsupervised movement, loss of allowance, free time recreational experience, commissary/canteen privileges and the like.
 5. Room Restriction: The youth may be restricted to his/her room. Such room restriction shall be subject to the following conditions:
 - a) Room restriction must be accomplished so as to not interfere with treatment programs for the youth;
 - b) Room restriction shall be limited to a maximum of four (4) hours a day;
 - c) No more than fourteen (14) days room restriction (four hours a day) shall be issued for any one Disciplinary Report. At no time shall the youth's total room restriction for disciplinary offenses exceed twenty-one (21) days;
 - d) There must be visual contact with the youth by staff at least every 15 minutes.
 6. Work Details: Specific job assignments may be made for completion of a task or a set length of time. The work detail shall not require skill and/or intelligence beyond the youth's ability nor place the youth in a dangerous or hazardous environment.
 7. Loss of Status: The Hearing Officer/Discipline Committee may alter a youth's earned points, incentive programs, etc. or may recommend behavioral contracts be developed and/or revised.
- E. When determining sanctions, the following factors shall be considered:
1. The youth's needs;
 2. Whether the sanction will have a beneficial effect upon the youth;
 3. The circumstances surrounding the present offense and degree of youth's involvement in the offense;
 4. The youth's past behavioral history;
 5. The effect, if any, the sanction may have on the general youth population.

- F. The list below indicates the maximum punishments/sanctions which may be imposed for major violation when room restriction, confinement, or restriction/reduction of privileges is the sanction. Restriction/reduction of privileges may be coupled with either room restriction or confinement. However, confinement and room restriction may not be imposed for the same incident.

| <u>OFFENSE</u> | <u>ROOM RESTRICTION</u> | <u>CONFINEMENT</u> | <u>RESTRICTION/ REDUCTION OF PRIVILEGES</u> |
|--|-----------------------------|--------------------|---|
| 1. Aggravated battery | 0-14 days | 0- 5 days | 0- 6 weeks |
| 2. Arson | 0-14 days | 0- 5 days | 0- 6 weeks |
| 3. Assault | 0- 6 days | 0- 2 days | 0- 3 weeks |
| 4. Assault and battery | 0-14 days | 0- 3 days | 0- 6 weeks |
| 5. Attempted escape | 0 -8 days | 0- 2 days | 0- 3 weeks |
| 6. Burglary | 0-10 days | none | 0- 4 weeks |
| 7. Conspiracy | 0- 5 days | none | 0- 2 weeks |
| 8. Damaging/destroying state property | 0-14 days | 0- 1 day | 0- 4 weeks |
| 9. Escape | 0-14 days | 0- 5 days | 2- 6 weeks |
| 10. Extortion | 0-14 days | 0- 2 days | 0- 6 weeks |
| 11. Fighting | 0- 5 days | none | 0- 3 weeks |
| 12. Forgery | 0-10 days | none | 0- 3 weeks |
| 13. Gambling | 0- 2 days | none | 0- 3 weeks |
| 14. Interfering with staff | 0- 5 days | none | 0- 3 weeks |
| 15. Participation in a riot | 0-14 days | 0- 5 days | 0- 6 weeks |
| 16. Pass violation | 0-10 days | none | 0- 6 weeks |
| 17. Possession of contraband | 0-14 days | none | 0- 3 weeks |
| 18. Possession of a weapon | 0-14 days | 0- 3 days | 0- 6 weeks |
| 19. Possession/Use of drugs | 0-14 days | 0- 3 days | 0- 6 weeks |
| 20. Possession/Use of Inhalants/Intoxicants | 0-14 clays | 0- 2 days | 0- 3 weeks |

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| 21. Rape | 0-14 days | 0- 5 days | 0- 6 weeks |
| 22. Receiving and Concealing | 0-10 days | none | 0- 3 weeks |
| 23. Repeated Minor Violations | 0-14 days | 0- 1 day | 0- 3 weeks |
| 24. Repeated refusal to follow direct orders | 0-10 days | none | 0- 3 weeks |
| 25. Selling inhalants/drugs/ intoxicants | 0-14 days | 0- 4 days | 0- 6 weeks |
| 26. Sexual Battery | 0-14 days | none | 0- 3 weeks |
| 27. Sexual Misconduct | 0- 5 days | none | 0- 3 weeks |
| 28. Stealing | 0-14 days | none | 0- 3 weeks |
| 29. Threatening Staff | 0-14 days | none | 0- 3 weeks |
| 30. Threatening Youth | 0-14 days | none | 0- 3 weeks |

G. When a youth has been found in violation of more than one infraction arising from a single incident, the maximum sanction shall not exceed the maximum sanction for the most serious offense he/she is found to have committed.

H. When a youth has been found in violation of more than one major infraction arising from separate incidents, the maximum penalty for each violation may be imposed and such sanctions shall run consecutively. When confinement is the sanction, refer to Use of Confinement Policy, III B 2.

I. Each Youth Development Center shall develop a local policy for informally resolving minor violations utilizing the categories specified in the Definitions of Disciplinary Offenses Policy. Such policy must be approved by the Assistant Commissioner of Residential Services or designee. The determination of sanctions for minor violations shall relate to the seriousness of the rule violation or youth behavior. The maximum sanction for minor violations cannot exceed a restriction or assignment beyond one shift. Confinement can never be used as a sanction for a minor violation. Room restriction can be used for a maximum of one (1) hour.

IV. FORMS: None

(Note: This Policy Cannot Be Revised Without Prior Permission of Chancery Court, Davidson County, Nashville, Tennessee.)